



Senate Bill No. 1330

Public Act No. 05-99

***AN ACT CONCERNING SUCCESSOR ORGANIZATIONS TO THE
CHILDREN'S CENTER, HAMDEN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-183b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

As used in this chapter, unless the context otherwise requires:

(1) "Actuarial reserve basis" means a basis under which the liabilities of the retirement system are determined under acceptable actuarial methods and under which assets are accumulated under a program designed to achieve a proper balance between the accumulated assets and the liabilities of the system.

(2) "Amortization of unfunded liabilities" means a systematic program of annual payments determined as a level per cent of expected member annual salaries in lieu of a lump sum payment.

(3) "Annual salary" means the annual salary rate for service as a Connecticut teacher during a school year but not including unused sick leave, unused vacation, terminal pay, coaching or extra duty assignments, unless compensation for coaching or extra duty assignment was included in salary for which contributions were made

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prior to July 1, 1971. In no event shall annual salary include amounts determined by the board to be included for the purpose of inflating the member's average annual salary. The inclusion in annual salary of amounts paid to the member, in lieu of payment by the employer for the cost of benefits, insurance, or individual retirement arrangements which in prior years had been paid by the employer and not included in the member's annual salary, shall be prima facie evidence that such amounts are included for the purpose of inflating the member's average annual salary. Annual salary shall not include payments the timing of which may be directed by the member. Annual salary shall not include payments to a superintendent pursuant to an individual contract between such superintendent and a board of education, of amounts which are not included in base salary. Annual salary shall include amounts paid to the member during a sabbatical leave during which mandatory contributions were remitted, provided such member returned to full-time teaching for at least five full years following the completion of such leave.

(4) "Average annual salary" means the average annual salary received during the three years of highest salary.

(5) "Board" means the Teachers' Retirement Board.

(6) "Child" means a natural child, an adopted child, or a stepchild of a deceased member who has been a stepchild for at least one year immediately prior to the date on which the member died. A child is a "dependent child" of a deceased member if at the time of the member's death (A) the member was living with the child or providing or obligated to provide, by agreement or court order, a reasonable portion of the support of the child, and (B) the child (i) is unmarried and has not attained age eighteen, or (ii) is disabled and such disability began prior to the child attaining age eighteen.

(7) "Contributions" mean amounts withheld pursuant to this chapter

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and paid to the board by an employer from compensation payable to a member. Prior to July 1, 1989, "mandatory contributions" are contributions required to be withheld under this chapter and consist of five per cent regular contributions and "one per cent contributions". From July 1, 1989, to June 30, 1992, "mandatory contributions" are contributions required to be withheld under this chapter and consist of five per cent regular contributions and one per cent health contributions. From July 1, 1992, to June 30, 2004, "mandatory contributions" are contributions required to be withheld under this chapter and consist of six per cent "regular contributions" and one per cent health contributions. On or after July 1, 2004, "mandatory contributions" are contributions required to be withheld under this chapter and consist of six per cent regular contributions and one and one-fourth per cent health contributions. "Voluntary contributions" are contributions by a member authorized to be withheld under section 10-183i.

(8) "Credited interest" means interest at the rate from time to time fixed by the board which shall be substantially that earned by the funds of the system. Such interest shall be applied to a member's account based on the balance as of the previous June thirtieth. Credited interest shall be assessed on any mandatory contributions which were due but not remitted prior to the close of the school year for which salary was paid.

(9) "Current service" means service rendered in the current fiscal year.

(10) "Dependent former spouse" means a former spouse of a deceased member who (A) has in his or her care a dependent child of the deceased member; and (B) was receiving, or was entitled to receive, from the deceased member at the time of the death of the deceased member, at least one-half of his or her support; and (C) has not remarried; and (D) is the parent of the child or adopted the child while

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married to the member and before the child attained age eighteen or, while married to the member, both of them adopted the child before the child attained age eighteen.

(11) "Dependent parent" means a parent of a deceased member who (A) has reached the age of sixty-five; and (B) has not married after the death of the member; and (C) was receiving at least one-half of his or her support from the member at the time of the member's death and files proof of such support within two years of the date of the member's death; and (D) is not receiving, or entitled to a federal or state old age benefit based on the parent's own earnings, equal to or greater than the amount the parent would be entitled to as a dependent parent under this chapter. A "parent of a deceased member" is (i) the mother or father of a deceased member; or (ii) a stepparent of a deceased member by a marriage entered into before the member attained age sixteen; or (iii) an adopting parent of a deceased member who adopted the deceased member before the member attained age sixteen.

(12) "Designated beneficiary" means a person designated on a form prescribed by the board by a member to receive amounts which become payable under this chapter as the result of the member's death whether before or after retirement. If a designated beneficiary is not living at the time of the death of a member, the amounts that would have been payable to the designated beneficiary shall be paid to the member's estate.

(13) "Disabled" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration, except that during the first twenty-four months that a member is receiving a disability allowance, "disabled" means the inability to perform the usual duties of his occupation by reason of any such impairment.

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(14) "Employer" means an elected school committee, a board of education, the State Board of Education, the board of governors or any of its constituent units, the governing body of the Children's Center and its successors, the E. O. Smith School and any other activity, institution or school employing members.

(15) "Formal leave of absence" means any absence from active service in the public schools of Connecticut formally granted by a member's employer as evidenced by contemporary records of the employer, provided in the case of an absence due to illness, medical or other evidence of such illness may, at the discretion of the Teachers' Retirement Board, be accepted in lieu of evidence of the formal granting of a leave.

(16) "Formal application of retirement" means the member's application, birth certificate or notarized statement supported by other evidence satisfactory to the board, in lieu thereof, records of service when required by the board to determine a salary rate or years of creditable service, statement of payment plan and, in the case of an application for a disability benefit, a physician's statement of health.

(17) "Funding" means the accumulation of assets in advance of the payment of retirement allowances in accordance with a definite actuarial program.

(18) "Member" means any Connecticut teacher employed for an average of at least one-half of each school day, except that no teacher who under any provision of the general statutes elects not to participate in the system shall be a member unless and until the teacher elects to participate in the system. Members teaching in a nonpublic school classified as a public school by the board under the provisions of this section may continue as members as long as they continue as teachers in such school even if the school ceases to be so classified. A former teacher who has not withdrawn his or her

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accumulated contributions shall be an "inactive member". A member who, during the period of a formal leave of absence granted by his or her employer, but not exceeding an aggregate of ten school months, continues to make mandatory contributions to the board, retains his or her status as an active member.

(19) "Normal cost" means the amount of contribution which the state is required to make into the retirement fund in order to meet the actuarial cost of current service.

(20) "Public school" means any day school conducted within or without this state under the orders and superintendence of a duly elected school committee, a board of education, the State Board of Education, the board of governors or any of its constituent units, the E. O. Smith School, the Children's Center and its successors, joint activities of boards of education authorized by subsection (b) of section 10-158a and any institution supported by the state at which teachers are employed or any incorporated secondary school not under the orders and superintendence of a duly elected school committee or board of education but located in a town not maintaining a high school and providing free tuition to pupils of the town in which it is located, and which has been approved by the State Board of Education under the provisions of part II of chapter 164, provided that such institution or such secondary school is classified as a public school by the retirement board.

(21) "Retirement allowance" means payments for life derived from member contributions, including credited interest, and contributions from the state.

(22) "School year" means the twelve months ending on June thirtieth of each year.

(23) "Surviving spouse" means a widow or widower of a deceased

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member who (A) was living with the member at the time of the member's death, or receiving, or entitled by court order or agreement to receive, regular support payments from the member, and (B) has not remarried.

(24) "Survivors" means a surviving spouse, a dependent former spouse, a dependent child and a dependent parent.

(25) "System" means the Connecticut teachers' retirement system.

(26) "Teacher" means (A) any teacher, permanent substitute teacher, principal, assistant principal, supervisor, assistant superintendent or superintendent employed by the public schools in a professional capacity while possessing a certificate or permit issued by the State Board of Education, provided on and after July 1, 1975, such certificate shall be for the position in which the person is then employed, (B) certified personnel who provide health and welfare services for children in nonprofit schools, as provided in section 10-217a, under an oral or written agreement, (C) any person who is engaged in teaching or supervising schools for adults if the annual salary paid for such service is equal to or greater than the minimum salary paid for a regular, full-time teaching position in the day schools in the town where such service is rendered, and (D) a member of the professional staff of the State Board of Education or of the Board of Governors of Higher Education or any of its constituent units. A "permanent substitute teacher" is one who serves as such for at least ten months during any school year.

(27) "Unfunded liability" means the actuarially determined value of the liability for service before the date of the actuarial valuation less the accumulated assets in the retirement fund.

Approved June 7, 2005